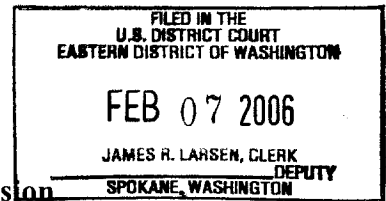


Report Date: January 31, 2006

United States District Court

for the

Eastern District of Washington**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Franky Lee Dean

Case Number: 2:01CR00016-001

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley

Date of Original Sentence: 07/06/2001

Type of Supervision: Supervised Release

Original Offense: Felon in Possession of Firearm, 18
U.S.C. § 922(g)(1)

Date Supervision Commenced: 01/16/2005

Original Sentence: Prison - 1 day; TSR - 36 months

Date Supervision Expires: 01/15/2008

PETITIONING THE COURT

To modify the conditions of supervision as follows:

- 6 You shall participate in the home confinement program for 90 days. You shall abide by all the requirements of the program, which will include electronic monitoring or other location verification system. You shall pay all or part of the costs of the program based upon your ability to pay. You are restricted to your residence at all times except for employment, education, religious services, medical, substance abuse, or mental health treatment, attorney visits, court appearances, court-ordered obligations, or other activities as pre-approved by the supervising probation officer.
- 7 You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.

CAUSE**Mandatory Condition #2:** The defendant shall not commit another Federal, state, or local crime.**Supporting Evidence Violation #1:** Franky Dean is considered in violation of his supervised release by operating a motor vehicle under the influence of alcohol on/or about December 29, 2005.

On December 29, 2005, Mr. Dean was operating a motor vehicle when police made contact with him based on an erratic lane change. Upon contact, police smelled a strong odor of intoxicants and noticed the offender's eyes were bloodshot and watery. Mr. Dean admitted to police he had consumed alcohol. According to police, Mr. Dean failed to perform satisfactory on field sobriety tests and subsequently a breathanalysis was taken, with a blood alcohol reading of .102.

Prob 12B

Re: Dean, Franky Lee

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Mr. Dean was subsequently charged with driving under the influence, a gross misdemeanor, in violation of RCW 46.61.502, which carries a penalty of not more than 1 year confinement and/or \$5,000 fine.

The offender is scheduled to appear in Spokane County District Court on June 3, 2006. This offender also has assigned counsel in this matter.

Mandatory Condition #4: The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

Special Condition #18: You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing as directed by the supervising probation officer.

Supporting Evidence Violation #2: Franky Dean is considered in violation of his supervised release in the Eastern District of Washington by using a controlled substance, marijuana, on/or about January 18, 2006.

Mr. Dean submitted a urinalysis which tested positive for marijuana according to a confirmation test by Scientific Testing Laboratories. Mr. Dean advised probation he ingested several brownies which had marijuana as one of the ingredients. Mr. Dean advised he was visiting a friend who gave him several brownies before advising him that these contained the illegal substance.

Special Condition #4: You shall undergo a substance abuse evaluation as directed by the supervising probation officer, and if indicated, enter into and successfully complete an approved substance abuse treatment program, including aftercare. You shall allow full reciprocal disclosure between the probation officer and treatment provider. You shall contribute to the cost of treatment according to your ability, as determined by the supervising probation officer.

Supporting Evidence Violation #3: Franky Dean is considered in violation of his supervised release in the Eastern District of Washington by being unsuccessfully terminated from substance abuse treatment on January 4, 2006, based on his failure to attend treatment.

Mr. Dean was enrolled in outpatient treatment with New Horizons from February 2005 through January 4, 2006. During this time, he experienced several difficulties with attending as directed, which was one of the reasons he had been enrolled in treatment during the 1 year period of time. Because he failed to regularly attend treatment, there have been several meetings with this officer and his chemical dependency counselor. These meetings provided Mr. Dean warnings that his failure to attend treatment would result in his termination. After several warnings, this offender was terminated from treatment services effective January 4, 2006.

Since the probation office has funded Mr. Dean's chemical dependency treatment, the probation office believes he should find his own funding for further treatment services. He had been directed to immediately seek ADATSA funding. At this time, he has not followed through with ADATSA funding and subsequent approval. However, the probation office will continue to monitor this directive, and if he fails to follow through as directed, our office will request Court intervention.

Re: Dean, Franky Lee

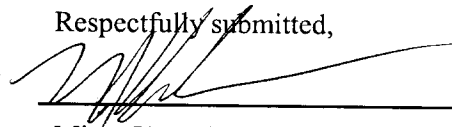
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Based on the aforementioned violations, the probation office believes a sanction is appropriate. Mr. Dean has agreed to 90 days of home detention with electronic monitoring. The probation office believes this will assist Mr. Dean to focus on his sobriety, engage in treatment programming, find employment, and ensure that he is residing at his reported address.

Respectfully submitted,

by

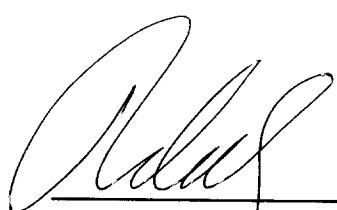

Missy K. Kolbe

U.S. Probation Officer

Date: January 31, 2006

THE COURT ORDERS

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other


Signature of Judicial Officer

2/6/2006

Date

Washington

Date _____